

RECEIVED
FEDERAL ELECTION
COMMISSION

2014 SEP 23 AM 9:38

MARILINDA GARCIA FOR CONGRESS

PO Box 821
Salem, New Hampshire 03079

OFFICE OF GENERAL
COUNSEL

September 19, 2014

1-800-441-1057
Federal Election Commission
Office of Complaints, Examination and
Legal Administration
ATTN: Kim Collins, Paralegal
999 E Street, NW
Washington, DC 20436

RE: Complaint # MUR6857

Dear Ms. Collins,

I am writing you this letter in response to the complaint filed by Judy Brown against Marilinda Garcia for Congress and against me, David Horan, Treasurer of this campaign committee. I have been authorized by the candidate to write this letter on behalf of her campaign committee.

The campaign ran an event at New Hampshire Motor Speedway on June 28, 2014. This event was set up for us by Jerry Gappens who is the General Manager of New Hampshire Motor Speedway. Michael Medeiros, an employee of the campaign committee, spoke with Jerry Gappens who had previously expressed a willingness to help the candidate out with her campaign. In that conversation, Jerry Gappens agreed to host an event for the campaign at New Hampshire Motor Speedway. Jerry Gappens told Michael Medeiros that he had hosted a similar event at the New Hampshire Motor Speedway for a local candidate who Michael Medeiros later learned was Howard Pearl, who had run for New Hampshire State Senate in 2010. Jerry Gappens agreed to donate to the committee a number of NASCAR race tickets, some pace car rides, food and beverages. Michael Medeiros explained that the donation could not be from the corporation which owns New Hampshire Motor Speedway, but had to be a personal donation.

Jerry Gappens introduced Michael Medeiros to Jessica Ferreira who was the event coordinator so that she could handle the actual details of setting up and running the event. The campaign uses an "in-kind" donation acknowledgment form which the campaign expects to be completed and signed by any donor making an "in-kind" contribution. This form was sent to Jessica Ferreira, but was not returned to the campaign. Michael Medeiros followed up on the form with her and she sent back to him an E-mail the day of the event indicating that all donations for the event are compliments of Jerry Gappens. The actual tickets given to the campaign supporters who attended the event had on their face the words "Compliments of Jerry Gappens".

On July 15, 2014, I, acting in my capacity as treasurer for the campaign, filed the July quarterly report. Michael Medeiros did the great majority of the recordkeeping and data entry work required to be generated by the campaign to file such a report. No bill for the event was provided to the campaign at that time. Michael Medeiros indicated that he had been told that the cost of the event was \$4,920 and that Jerry Gappens was married and his wife, Lucy Gappens, could be listed as a second donor. In the July report, I identified in-kind contributions as being received from Jerry Gappens in the amount of \$2,600 and from his wife, Lucy Gappens, in the \$2,320.

I enclose copies of the following documents:

- June 25 E-blast that the candidate sent out inviting all of her campaign supporters for whom we have E-mail addresses to the June 28 event with the first 80 people responding getting tickets to the July 13 NASCAR race at New Hampshire Motor Speedway
- A copy of one of the tickets for July 13, 2014 race which indicates that the ticket is "Compliments of Jerry Gappens"
- A copy of the E-mail Jessica Ferreira sent to Michael Medeiros on June 28, 2014 confirming that the donations were compliments of Jerry Gappens
- A blank copy of the "in-kind" form used by the campaign committee

Shortly after my receipt of the complaint, now pending against me and the campaign, I learned that Jerry Gappens did not pay for any of the tickets and other items which he donated to the campaign. I have more recently learned that there is an invoice for the expenses for the event which now needs to be paid. As soon as that invoice is paid, I will file an amended July quarterly report deleting the in-kind contributions of Jerry and Lucy Gappens and modifying the expenditure item so as to identify the recipient as New Hampshire Motor Speedway.

On behalf of the campaign, I would like the Commission to know that no one affiliated with the campaign knew at the time of the June 28, 2014 event that it in fact

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was not being paid for by Jerry Gappens. We did our best in attempting to verify that the in-kind contribution was not coming from the corporation, but it appears in retrospect that it did. No one associated with the campaign, including the candidate and myself, the treasurer, knowingly violated federal law. Obviously, a mistake was made, but it will soon be corrected. There is no good reason for the Commission to take enforcement action against us at this time.

Respectfully submitted,

David Horner

David Horan, Treasurer
Marilinda Garcia for Congress

DH/ky
Enclosures



David Horan <DHoranLaw@gmail.com>

RECEIVED
FEDERAL PROTECTION
COMMISSION

Race to Congress at the NH Motor Speedway

1 message

Marilinda Garcia <contact@marilindagarcia.com>

To: David Horan <DHoranLaw@gmail.com>

2014 SEP 23 AM 9:38

OFFICE OF GENERAL

WED, JUN 25, 2014 AT 9:17 AM



David,

I'd like to invite you to an exciting event I'm hosting Saturday at 7pm at the NH Motor Speedway!

The first 80 people to register will each receive 2 free tickets to the July 13th NASCAR Sprint Cup Series race! And one lucky winner will walk away with 2 VIP tickets, which includes VIP parking, food and drink services, and a VIP infield experience. Check out my video here:



All will enjoy live music, free food, and good company. Gold members will even enjoy pace-car rides around the race track!

Get Your Tickets

All proceeds will help my race to Congress. I hope you will join me for an exciting evening on the speedway!

RECEIVED
GENERAL ELECTION
COMMISSION

SEP 23 AM 9:38

OFFICE OF GENERAL
COUNSEL

17044431961

GIVING WORLD
RV SALES

7508440018310



David Horan <dhoranlaw@gmail.com>

Fwd: Event at NHMS

1 message

Michael Medeiros <mike@marilindagarcia.com>

Fri, Sep 12, 2014 at 12:20 PM

To: David Horan <dhoranlaw@gmail.com>

Forwarded message

From: Jessica Ferreira <JFerreira@nhms.com>

Date: Sat, Jun 28, 2014 at 1:21 PM

Subject: Event at NHMS

To: "mike@marilindagarcia.com" <mike@marilindagarcia.com>

Mike,

Just sending you an email to confirm that all donations for the event tonight are compliments of Jerry Gappens. Please let me know what time you plan on arriving to the track.

Thank you,

Jessica

Jessica Ferreira

Director of Events

New Hampshire Motor Speedway

Jferreira@nhms.com

(P) 603-513-5715

(F) 603-783-4280



Mike Medeiros

Marilinda Garcia for Congress
PO Box 821
Salem, NH 03079
David Horan, Treasurer

IN-KIND CONTRIBUTION FORM

Event: _____ Date of Event: _____

Town/City: _____ County: _____

Complete Detailed Description of Item(s) (Include quantities):

Estimated Fair Market Value of Contribution(s): \$ _____

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

*List occupation and place of business if total exceeds \$200 for primary or general election.

Occupation: _____

Employer Name: _____

City: _____ State: _____ Zip: _____

Phone: _____ Cell: _____

E-mail: _____

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